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REMARKS

The present response is to the Office Action mailed in the above-referenced case on October 28, 2004. Claims 1, 3, 4, 9, 10, 12-15 and 26-28 are presented for examination. Claims 1, 3 and 4 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Rekhter et al. ("Tag Switching Architecture"), hereinafter Rekhter, in view of Davie et al. ("Explicit Route Support in MPLS"), hereinafter Davie, and further in view of Farinacci et al. ("Tag Switching Architectural Overview", IEEE, December 1997) hereinafter Farinacci. Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rekhter, Davies and further in view of Farinacci. Claims 26-28 are also rejected under 35 U.S.C. 103(a) as being unpatentable over Rekhter, Davies and further in view of Farinacci. Finally, claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rekhter, Davies and further in view of Farinacci and applicant's admitted prior art.

Applicant has carefully studied the prior art presented by the Examiner in this case, and the Examiner's statements in the instant Office Action. In response, applicant herein cancels all standing claims, replacing them with newly written claims 31-36. Applicant has believes there may be confusion in examination due to perceived ambiguity in the claim language, and the new claims correct this possible problem, making the claimed subject matter more clear and unambiguous.

Applicant's newly written set of claims positively recite a label-switching sub-network with one ingress node and one egress node, with at least two nodes internal to the sub-network connected by a plurality of parallel links, a method for routing packets through the sub-network and the parallel links while ensuring in-order delivery for unique packet flow defined by unique source/destination pairs, comprising the steps of; (a) creating a sufficient number of label-switched paths (LSPs) from the ingress node to the egress node that each packet flow may have a unique LSP; and (b) associating each packet flow with one of the created LSPs.

In the Examiner's remarks regarding Farinacci, the Examiner states that Farinacci teaches creating multiple paths between the ingress and the egress node (page 1976, col.

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2, lines 18-58). Applicant points out that Farinacci teaches that under certain conditions, it is possible to bind a tag not just to a single route but also to a group of routes, creating a many-to-one mapping between routes and tags. Farinacci teaches that it is quite possible that the switch uses the router as the next hop not just for one route but also for a group of routes. Under these conditions, the switch does not have to allocate distinct tags to each of these routes—one tag would suffice. When a tag switch adds a tag to a previously untagged packet, the tag could be associated with either the route to the destination address carried in the packet or the route to some other tag switch along the path to the destination (in some cases, the address of that other tag switch could be gleaned from network-layer routing protocols). The latter option provides yet another way of mapping multiple routes into a single tag. However, this option either is dependent on particular routing protocols or would require a separate mechanism for discovering tag switches along a path.

Applicant argues that in the teachings of Farinacci, because one tag suffices for many routes, individual parallel paths are not created and maintained as claimed, wherein out-of-order routing may occur as discussed in the background portion of applicant's specification. In applicant's invention, optimal distribution of traffic over multiple links in an individual route using MPLS is achieved by creating multiple label-switched paths (LSPs) between nodes. In one embodiment, the number of LSPs needed to create the path from the ingress router A to the egress router I is equal to the least common multiple (LCM) of the number of links on each individual hop. For example, for the path A-B-G-I, the number of links on the A-B hop is 5, the number of links on the B-G hop is 3, and the number of links on the G-I hop is 2. Therefore, the number of LSPs generated for the A-B-G-I path should be a minimum of the least common multiple (LCM) of 5, 3 and 2; $LCM(5,3,2) = 30$. The A-B hop would divide the 30 LSPs into five groups of six; the B-G hop would divide the 30 LSPs into three groups of ten; and the G-I hop would divide the LSPs into two groups of fifteen. Clearly, Farinacci deals with physical routes between routers and switches and doesn't create multiple LSPs within a route as claimed.

Applicant argues that conventional MPLS suffers a drawback in that, with conventional MPLS, it is relatively inefficient to set up multiple parallel paths to

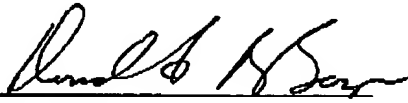
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distribute traffic over multiple parallel physical links. In particular, each individual path needs to be independently signaled, i.e., set up. This signaling becomes particularly inefficient when there are a large number of potential parallel paths and obviously, Farinacci fails to teach creating such LSPs for this same reason.

In view of applicant's above claim amendments and arguments presented independent claims 31-36 are clearly and unarguably patentable over the prior art references provided by the Examiner, either singly or in any combination.

It is therefore respectfully requested that this application be reconsidered, the claims be allowed, and that this case be passed quickly to issue. If there are any time extensions needed beyond any extension specifically requested with this amendment, such extension of time is hereby requested. If there are any fees due beyond any fees paid with this amendment, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully Submitted,
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/405,237	09/23/1999	JOHN K. RENWICK	IBN-0014	9267
24739	7590	03/16/2005	EXAMINER	
CENTRAL COAST PATENT AGENCY			PHILPOTT, JUSTIN M	
PO BOX 187			ART UNIT	
AROMAS, CA 95004			PAPER NUMBER	
			2665	

DATE MAILED: 03/16/2005

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Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 2/28/05 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
- ☒ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/oia/proconnotice/office1ver.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

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